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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,430	03/27/2002	Sami Huusko	4925-171PUS	2398
<div>7590      02/02/2007 Michael C Stuart Cohen Pontani Lieberman &amp; Pavane Suite 1210 551 Fifth Avenue New York, NY 10176</div>			<div>EXAMINER NGUYEN, HANH N</div> <div>ART UNIT      PAPER NUMBER 2616</div>	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/02/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/009,430

Applicant(s)

HUUSKO, SAMI

Examiner

Hanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE filed on 1/16/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 8, 11-16 and 18-20 are rejected under 35 USC 103(a) as being unpatentable over Riggan et al. (Pat. 6,490,252 B1) in view of Petersen (US pat. 6,574,221 B1).

In claims 1, 8, 11, 13, 19 and 20, Riggan et al. discloses a method for guaranteeing the quality of a connection (a guaranteed bandwidth provided to ATM user in a QOS contract) in a data transmitting telecommunication system (transmitting data streams in accordance with QOS contract in ATM network 305 described in fig.2), wherein a data stream is configured to be transmitted through a packet-switched connection (fig.2, data streams comprises voice, data, video are transmitted via ATM network 305) or circuit switch connection (or via PSTN network 212) comprising the steps of: separating at least speech data from the data stream; and transmitting at least part of said at least speech data, whose intelligibility is affected by a possible deterioration of data quality and is configured to be transmitted through the packet switched connection, partly through the circuit switched connection (data streams comprising voice, data, video transmitted via ATM network 305 exceed a QOS threshold, at least a portion of data stream such as voice is transmitted via secondary network 212,

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wherein the secondary network 212 is PSTN, ISDN or wireless networks). See col.4, line 35 to col.5, line 5. Riggan et al. discloses, in fig.3A and 3B, voice, video and data streams 311 are in a variety of formats and transmitted according to any variety of protocols ( see col.5, lines 55-60). For example, if LAN data causes potential breach of the QOS threshold, then LAN packets are processed into packets suitable for transfer across an ISDN network ( see col.6, lines 4-8). Further, in fig.3B, as input streams 311 are transmitted via alternate networks 212, I/O ports 314a-314c format the input streams 311 to the alternate network protocol and transfer to destination node (see col.6, lines 60-67). From what is described in figures 3A and 3B above, it is clear that a different protocol address is used in the data streams 311 while being transmitted via alternate networks 212 to destination node.

The only missing element in Rigan et al. is a mobile station using the different protocol address. Petersen discloses a method of guarantee QOS in a mobile radio network comprising transmitting multimedia data ( see col.2, lines 5-12). Refer to fig.6, mobile station 128 obtains access to PSTN/ISDN 112 via circuit switch access network 118 using SSP protocols such as ISUP; and accesses Internet 114 via packet switch access network 120 using TCP/IP; see col.8, lines 50-55 ( mobile station using a different protocol address for said at least speech data than for a remainder of the data stream). Therefore, it would have been obvious to one ordinary skilled in the art to use a different protocol address while transmitting voice data via a circuit switch network. The advantage is to transmit multimedia data with high QOS, high resolution and still maintain a good quality of voice while, in the mean time, data is still being transmitted via packet switch network.

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In claims 2, Riggan et al. discloses at least one party to the connection is a mobile station ( the ATM user is telephone device, see col.5 lines 45-50. In addition, data stream is transmitted via a wireless network interface 380 ( see fig.4)).

In claim 12, Riggan et al. discloses quality of packet switch connection is monitored during connection (network management 206 monitors whether the ATM users has exceeded the QOS threshold, see col.4, lines 40-45).

In claims 14 and 15, Riggan et al. discloses a network element is configured to convert the packet data into a form suitable for a circuit-switched connection and vice versa (data streams of voice, data and video are in variety of formats and transmitted according to any of a protocols, See col.5, lines 55-60).

In claim 16, Riggan et al. does not disclose the network element is a MSC, but Petersen discloses a MSC 132 ( fig.7) communicating with a MS 128 ( fig.6) ( see col.8, line 60 to col.9, line 10). Therefore, it would have been obvious to one skilled in the art to have a MSC in the wireless network 212 of Riggan et al. in order to transmit voice via circuit switch network and maintain quality of voice.

Claims 3, 4, 5, 6, 7, 9, 10, 18 are rejected under 35 USC 103(a) as being unpatentable over Riggan et al. (Pat. 6,490,252 B1) in view of Petersen ( Us pat. 6,574,221 B1), and further in view of Haeggstrom (Pat. 6,167,040).

In claims 3, 4, 6, 18, as mentioned in claim 1, Riggan et al. discloses that the call from a telephone is routed through ATM network (see fig.2), but does not disclose the data stream and IP address is transmitted through IP server. Haeggstrom discloses a mobile station enters on his telephone Internet address of terminal connected to IP

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network, whereby the call goes to GGSN 1 ( gateway) and SGSN ( IP server) (the wireless telephone transmits IP address to Ip server). See col.5, lines 25-32. Therefore, it would have been obvious to one ordinary skilled in the art to apply the teaching of Haeggstrom into Riggan et al. in order to transmit IP address from wireless telephone to IP server in packet switched network such as IP network when the call quality is satisfied.

In claim 9, Riggan et al. discloses speech data is transmitted from ATM telephone ( mobile station) through PSTN as described in claim 1; but does not disclose a GPRS backbone. Haeggstrom discloses, in fig.4, speech data is transmitted through pstn between the Internet network and mobile station ( see col.6, lines 7-20). Therefore, it would have been obvious to one ordinary skilled in the art to configure an Internet network of Haeggstrom into the system of Riggan et al. in order to transmit speech data between mobile station and GPRS backbone and provide data communication through packet-switched network to reduce cost.

In claim 10, Riggan et al. does not disclose speech data transmitted from gateway ( GGSN 1) to Internet server ( SGSN). Haeggstrom discloses, in fig.2, serving GPRS is in connection with gateway (GGSN ). See col.4, lines 55-60. Therefore, it would have been obvious to one ordinary skilled in the art to implement the GPRS network of Haeggstrom into the system of Riggan et al. in order to transmit voice data through packet switch network.

In claim 7, Riggan et al. discloses a memory in packet network (in fig.3B, memory 303); but does not disclose storing IP address. Haeggstrom discloses a mobile station enters IP address of a destination and transmitted the call through the GPRS backbone to the terminal. ( see col.5, lines 22-30). Therefore, it would have been obvious

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to one ordinary skilled to transmit Ip address from the wireless telephone and stores the IP address in the Gateway so as to establish PSTN connection.

In claim 5, Riggan et al. does not disclose transmitting an IP address to IP server in a form of a short message. Haeggstrom discloses a GPRS network wherein a mobile station transmits an IP address to server SGSN ( see fig.2, col.5, lines 25-30). Therefore, transmitting an IP address in a GPRS network in a form of short message is well-known in the art.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Pang et al. (pat. 7,061,894 B2);

Charas et al. (pat. 6,747,986 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field , can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

A handwritten signature in black ink, appearing to read 'H. Nguyen', with a stylized, cursive script.

**HANH NGUYEN**  
**PRIMARY EXAMINER**